UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,102	08/04/2003	Takayuki Nakagawa	450100-04697	5862

7590   02/06/2009

FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

EXAMINER
FINDLEY, CHRISTOPHER G

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
02/06/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-12,14,15 and 17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-12,14,15 and 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 10/27/2008 have been fully considered but they are

not persuasive.

2.   Re claims 1, 9, and 17, the Applicants contends that Kawamura fails to teach or

suggest for a user input skip operation, content is reproduced for a predetermined time

for each content block until a command is issued to skip and for a user input play

previous content block operation, a jump destination of a command changes based

upon the amount of elapsed time from a beginning of a content block. However, the

Examiner respectfully disagrees. Kawamura discloses that the system is responsive to

user input, wherein the user may select among plural recorded versions of a work

(Kawamura: paragraph [0035]). More specifically, the user can jump directly to a

specific track of a specific program (Kawamura: paragraph [0117]), including jumping to

the beginning of the present track and further back if desired (Kawamura: paragraph

[0112]). For performing the jump, Kawamura utilizes a path_descriptor(), which defines

areas for various paths and describes the path number, track number, sector number,

sector offset, track time codes and path time codes (Kawamura: paragraph [0098]), and

wherein the exact elapsed time of reproduction of a particular path can be accessed

from the path_descriptor( ) and displayed to the user concurrent with data reproduction

and display (Kawamura: paragraph [0108]). The path_descriptor( ) area is provided in

the PSM of the entry sector and includes time codes for each path, thereby allowing an

accurate time indication to be given for each particular path even though certain

sections of data may be common to different paths (Kawamura: paragraph [0108]).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4.   **Claims 1-4, 6-12, 14, 15, and 17 are rejected under 35 U.S.C. 102(a) as being**

anticipated by Kawamura et al. (US 20020044757 A1).

Re **claim 1**, Kawamura discloses a reproduction controlling apparatus

(Kawamura: paragraph [0169]) comprising: user interface receiving user input according

to operation by a user (Kawamura: paragraph [0174]); auxiliary information generation

means for generating auxiliary information based on a first event notice related to

reproduction operation regarding content recorded in a recording medium (Kawamura:

paragraph [0176], entry points) and a second event notice indicating reproduction

position information of said recording medium (Kawamura: paragraph [0190], "sector

currently reproduced"); comparison-computation means for comparing or computing

reproduction position information indicated by said auxiliary information with

reproduction position information indicated by a later received second event notice to

determine amount of elapsed time (Kawamura: paragraph [0190]; paragraph [0096],

actual time code, tracks, and sections are given for each path, wherein time codes

denote the period of time elapsed since the beginning of the program or track); and

command issuing means for issuing a command for controlling reproduction operation

of said content, based on the amount of elapsed time (Kawamura: paragraph [0190],

the controller 2120 compares sector addresses and directs the drive controlling circuit in

accordance with position information; paragraph [0096], actual time code, tracks, and

sections are given for each path, wherein time codes denote the period of time elapsed

since the beginning of the program or track) and the user input (Kawamura: paragraph

[0174], the controller 2120 controls the drive controlling circuit 2106 in response to the

user input; paragraphs [0035] and [0037], the user selects among plural recorded

versions of a video work; paragraph [0026], each version of the video work corresponds

to a specific playback path), wherein (a) for a user input skip operation, content is

reproduced for a predetermined time for each content block until a command is issued

to skip and (Kawamura: paragraph [0015], path information is indicative of one or more

versions of video information sections to be reproduced in a linked fashion, the path

information being indicative of sections to be reproduced consecutively; paragraph

[0117], the user can jump directly to a specific track of a specific program, thus

indicating that the path information containing linked sections play continuously until a

user selects otherwise) (b) for a user input play previous content block operation, a

jump destination of a command changes based upon the amount of elapsed time from a

beginning of a content block (Kawamura: paragraph [0117], the user can jump directly

to a specific track of a specific program; paragraph [0112], jumping to a specific

program includes jumping to the beginning of the present track and further back if desired; paragraph [0108], the path_descriptor( ) area is provided in the PSM of the entry sector and includes time codes for each path, thereby allowing an accurate time indication to be given for each particular path even though certain sections of data may be common to different paths).

Re **claim 2**, Kawamura discloses information storage means for storing auxiliary information generated by said auxiliary information generation means (Kawamura: paragraph [0176], entry point storing unit 2122); wherein said comparison-computation means performs comparison or calculation by utilizing reproduction position information indicated by auxiliary information read out from said information storage means (Kawamura: paragraph [0190], "controller 2120 compares the sector address of the sector currently reproduced from the drive control circuit 2106 to the sector address stored in entry point storing unit 2122").

Re **claim 3**, Kawamura discloses that the first event notice comprises notice of start of reproduction of a content block constituting said content (Kawamura: paragraph [0174]); and said auxiliary information generation means generates said auxiliary information based on a content block to be reproduced and reproduction position information at an event of reproduction of such content block (Kawamura: paragraph [0176]).

Re **claim 4**, Kawamura discloses that said command issuing means changes a content block to be reproduced based on the amount of elapsed time (Kawamura: paragraph [0190]; paragraph [0096], actual time code, tracks, and sections are given for

each path, wherein time codes denote the period of time elapsed since the beginning of the program or track).

Re **claim 6**, Kawamura discloses that said first event notice comprises notice of start of reproduction of a content block constituting said content (Kawamura: paragraph [0174]); and said auxiliary information generation means generates said auxiliary information based on a content block to reproduced and reproduction position information at an event of reproduction of such content block (Kawamura: paragraph [0176]).

Re **claim 7**, Kawamura discloses that said command issuing means changes a content block to be reproduced based on the amount of elapsed time (Kawamura: paragraph [0190]; paragraph [0096], actual time code, tracks, and sections are given for each path, wherein time codes denote the period of time elapsed since the beginning of the program or track).

Re **claim 8**, Kawamura discloses that if there is an issuing operation for a command for controlling reproduction of said content, said command issuing means issues said issued command by converting or adjusting said issued command based on a result of comparison or computation by said comparison-computation means (Kawamura: paragraphs [0196]-[0197]).

Claim 9 recites the corresponding reproduction controlling method implemented by the reproduction controlling apparatus of claim 1. Therefore, claim 9 has been analyzed and rejected with respect to claim 1 above.

Claim 10 has been analyzed and rejected with respect to claim 2 above.

Claim 11 has been analyzed and rejected with respect to claim 3 above.

Claim 12 has been analyzed and rejected with respect to claim 4 above.

Claim 14 has been analyzed and rejected with respect to claim 6 above.

Claim 15 has been analyzed and rejected with respect to claim 7 above.

Claim 17 recites the corresponding computer readable medium containing computer executable programs for causing a computer to implement the method of claim 9. Therefore, claim 17 has been analyzed and rejected with respect to claim 9 above.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a.   Data reproduction apparatus and reproduction method

Ichikawa et al. (US 6959141 B1)

b.   Transport stream processing device, and associated methodology of generating and aligning source data packets in a physical data structure

Kato (US 7106946 B1)

c.   Method and apparatus for compensating reproduced audio signals of an optical disc

Cho (US 20020110366 A1)

d.   Information recording medium, apparatus and method for

recording/reproducing information to/from the medium

Kawasaki et al. (US 20020131761 A1)

e.   Reproducing apparatus and reproducing/recording apparatus memorizing

identification information of optical information media and method thereof

Sakuramoto (US 20020126992 A1)

f.   Fast forward trick mode and reverse trick mode using an information file

Lin et al. (US 20030077071 A1)

g.   Information record medium and apparatus for reproducing information

according to navigation information

Moriyama et al. (US 7095951 B2)

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER FINDLEY whose telephone number is (571)270-1199. The examiner can normally be reached on Monday-Friday (8:30 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Christopher Findley/